IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12364 of 2004

Between:

P.V. Bharadwaja, S/o. Gopalarao,

Aged about 54 years, Gr.I Telugu Pandit,
A.V.V. Aided High School, Bapatla, Guntur District.

..... PETITIONER

AND

1 The Headmaster, A.V.V. Aided High School, Bapatla,

Guntur District.
2 The District Educational Officer, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more in the nature of MANDAMUS directing the respondents to place the name of the petitioner immediately next below the Headmaster as per the seniority by strictly implementing the Proc. L.Dis.No. 3890/C2-2-2000 dt. 20-9-2000 issued by the Commissioner & Director of School Education, A.P. Hyderabad, by holding the action of the respondents in showing the petitioner's name below the School Assistants who are juniors to the petitioner contrary to the guidelines issued by the higher authority and further not considering the petitioner's representation dt. 12-5-2003 is as illegal, arbitrary, discriminatory and opposed to all principles of equity, justice and fair play and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.CH.JAGANNADHA RAO

Counsel for the Respondent No.2: GP FOR SCHOOL EDUCATION

The Court made the following :

ORDER:

The petitioner is working as a Grade I Telugu pandit. He contends that the Grade I Telugu Pandit and B.Ed., School Assistants are of equal cadre. He further submits that by virtue of the proceedings of the Commissioner of School Education, dated 25-03-1995 and the further proceedings, dated 20-09-2000 the petitioner's name has to be kept above his juniors of equal cadre including the School Assistants. But, since the first respondent is writing the name in the Attendance Register below his juniors, he approached this Court seeking a direction to the first respondent to follow the circular instructions of the Commissioner and to put the name of the petitioner as per seniority of equal cadre. The petitioner appeared to have made a representation to the first respondent on 12-05-2003 but no action appears to have been taken by the first respondent.

2. In the light of the circumstances explained by the petitioner, the first respondent is directed to follow the instructions of the Commissioner, School Education dated 25-03-1995 and 20-09-2000 and arrange the name of the petitioner as per seniority in the equal cadre in the Attendance Register from the month of September, 2004.

3. The Writ Petition is accordingly disposed of. No order as to costs.

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06-08-2004

vs

To

1 The Headmaster, A.V.V. Aided High School, Bapatla,

Guntur District.

2 The District Educational Officer, Guntur District.

3 Two CCs to the G.P for School Education, High Court of

A.P., Hyderabad.(O.U.T).

4 Two CD copies.

HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.12364 OF 2004

DATED: 06-08-2004.